

Resolution No.:	<u>16-1304</u>
Introduced:	<u>April 13, 2010</u>
Adopted:	<u>April 13, 2010</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB723
Abandonment - Portion of Black Hills Road
Black Hill Regional Park
Boys, Maryland

Background

1. By letter dated December 8, 2008, the Montgomery County Department of Parks, the Applicant, requested the County to abandon a portion of Black Hills Road within the Black Hill Regional Park in Boys, Maryland. The portion of Black Hills Road right-of-way for which abandonment is sought beginning on the west at a point 790+/- feet east of the intersection of Black Hills Road and Maryland Rte. 121, this point being in line with the west property boundary of a parcel of private land identified as P980 on attached Tax Map EV and ending on the east at the point where Black Hills Road leaves a parcel of Maryland-National Capital Park and Planning Commission-owned property identified as Par. "A", Block "A", Black Hills Estates, also shown on Tax Map EV.
2. A Public Hearing to consider the abandonment proposal was held on July 13, 2009, by the designee of the County Executive.
3. Washington Gas had no objection.
4. Washington Suburban Sanitary Commission had no objection.
5. VERIZON did not respond within 60 days and therefore, concurrence is presumed.
6. The Montgomery County Planning Board recommended approval.
7. The Department of Transportation recommended approval conditioned upon:
(a) Applicant must provide right-of-way dedication and construct a cul-de-sac (MC-222.01), modified to accommodate emergency vehicle turning requirements, at the proposed terminus of Black Hills Road (at the western end of the proposed abandonment). This improvement must be coordinated with Preliminary Plan No. 120090070 (Black Hills Estates) which was conditionally approved by the Montgomery County Planning Board on March 19, 2009. If necessary to avoid encroachment on

nearby private property, the Applicant could construct an offset cul-de-sac (which would place the bulb of the cul-de-sac entirely within the existing park property); and (b) Applicant must grant necessary public utility easements for any existing or proposed facilities within the area of the proposed abandonment.


8. The Department of Fire and Rescue Services had no objection.
9. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
10. Allegheny Power did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

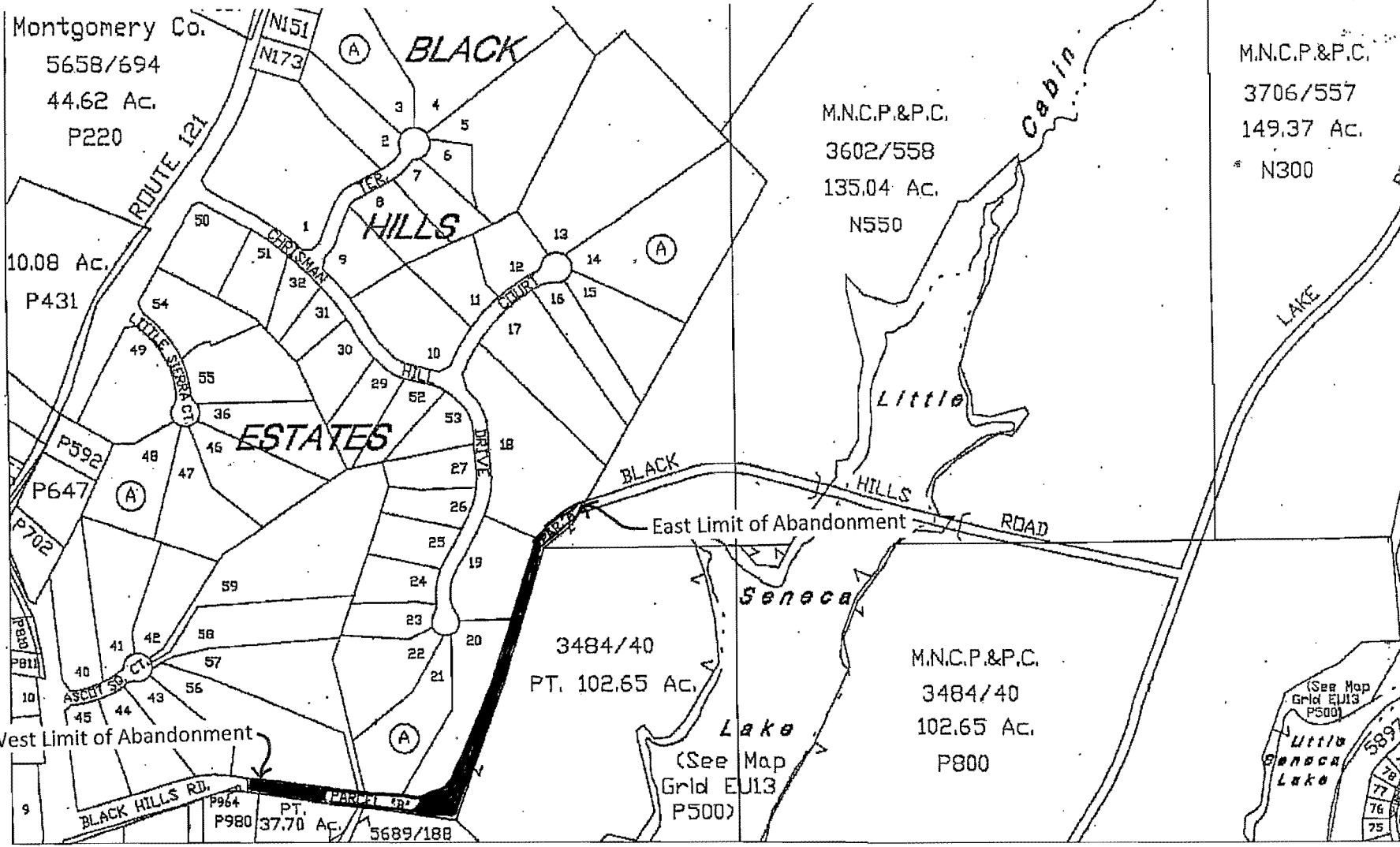
The County Council for Montgomery County, Maryland, finds that the portion of Black Hills Road proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. Applicant must provide right-of-way dedication and construct a cul-de-sac modified to accommodate emergency vehicle turning requirements, at the proposed terminus of Black Hills Road (at the western entrance of the proposed abandonment) entirely within the existing park property.
2. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
3. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council



N112000

W84000

E1

EU123

E2

Tax Map EV11

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WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.

SCALE IN FEET



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